

Notification Package

Fees for Lake and Streambed Alteration Agreements

(Cal. Code Regs., tit. 14, § 699.5)

Use the fee schedule below to determine the fees you will need to submit to the Department with your complete notification package. If you need to determine the cost of your project to calculate your fees, project cost as used in the fee schedule refers only to the cost of that part of the project that requires a Lake or Streambed Alteration Agreement.

(a) Definitions.

(1) For purposes of this section, the following definitions apply:

(A) "Activity" means any activity that by itself would be subject to subdivision (a) of section 1602 of the Fish and Game Code.

(B) "Agreement" means a lake or streambed alteration agreement issued by the department.

(C) "Agreement for routine maintenance" means an agreement that: (1) covers only multiple routine maintenance projects that the entity will complete at different time periods during the term of the agreement; and (2) describes a procedure the entity must follow for any maintenance projects the agreement covers.

(D) "Agreement for timber harvesting" means an agreement of five years or less that covers one or more projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection.

(E) "Department" means the California Department of Fish and Game.

(F) "Extension" means either a renewal of an agreement executed prior to January 1, 2004, or an extension of an agreement executed on or after January 1, 2004.

(G) "Master agreement" means an agreement with a term of greater than five years that: (1) covers multiple projects that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement; and (2) describes a procedure the entity must follow for construction, maintenance, or other projects the agreement covers.

An example of a project for which the department would issue a master agreement is a large-scale development proposal comprised of multiple projects for which specific, detailed design plans have not been prepared at the time of the original notification. The master agreement will specify a process the department and entity will follow before each project begins and may identify various measures the entity will be required to incorporate as part of each project in order to protect fish and wildlife resources. As a general rule, the process specified in the master agreement will require the entity to notify the department before beginning any project the agreement covers and submit a fee based on the cost of the project. After the department receives the notification, it will confirm that the master agreement covers the project and propose measures to protect fish and wildlife resources in addition to any included in the master agreement, if such measures are necessary for the specific project. A master agreement will typically, but not always, encompass one or more watersheds and/or relate to a habitat conservation plan or natural community conservation plan. By contrast, if the large-scale development proposal is comprised of, for example, multiple residences, golf courses, and associated infrastructure projects for which specific, detailed design plans have been prepared by the time the entity notifies the department and the entity is ready to begin those projects, the department would issue the entity a standard agreement.

(H) "Master agreement for timber operations" means an agreement with a term of greater than five years that: (1) covers timber operations on timberland that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement; and (2) describes a procedure the entity must follow for construction, maintenance, or other projects the agreement covers. For the purposes of this definition, "timberland" and "timber operations" have the same meaning as those terms are defined in sections 4526 and 4527 of the Public Resources Code, respectively.

(I) "Project" means either of the following as determined by the department:

1. One activity. An example of such a project is one that is limited to the removal of riparian vegetation at one location along the bank of a river, lake, or stream that will substantially change the bank.

2. Two or more activities that are interrelated and could or will affect similar fish and wildlife resources. An example of such a project is the construction of one bridge across a stream that requires the removal of riparian vegetation, the installation of abutments in or near the stream, and the temporary de-watering of the stream using a diversion structure. Each of those three activities together would constitute one project for the purpose of calculating the fee under this section because they are all related to the single purpose of constructing one bridge at one location. By contrast, the construction of three bridges and two culverts across a stream at five different locations would not constitute one project, but instead would constitute five projects, even if each

structure were to provide access to a common development site and/or were physically connected to each other by a road.

“Project” does not mean project as defined in section 21065 of the Public Resources Code or section 15378 of title 14 of the California Code of Regulations.

(J) “Standard agreement” means any agreement other than an agreement for gravel, rock, or sand extraction, an agreement for timber harvesting, an agreement for routine maintenance, a master agreement, or a master agreement for timber operations.

(b) Standard Agreement.

(1) Fee if the term of the agreement is 5 years or less:

(A) \$200 if the project costs less than \$5,000.

(B) \$250 if the project costs from \$5,000 to less than \$10,000.

(C) \$500 if the project costs from \$10,000 to less than \$25,000.

(D) \$750 if the project costs from \$25,000 to less than \$100,000.

(E) \$1,100 if the project costs from \$100,000 to less than \$200,000.

(F) \$1,500 if the project costs from \$200,000 to less than \$350,000.

(G) \$2,250 if the project costs from \$350,000 to less than \$500,000.

(H) \$4,000 if the project costs \$500,000 or more.

(2) Fee if the term of the agreement is longer than 5 years:

(A) \$2,400 base fee, plus the fee specified in subdivision (b), paragraph (1).

(3) For the purpose of this subdivision, project cost means the cost to complete each project for which notification is required.

(4) As a general rule, a notification for a standard agreement should identify only one project. If an entity chooses to identify more than one project in a single notification, the department may require the entity to separately notify the department for one or more of the projects included in the original notification based on their type or location. If the notification includes more than one project, the fee shall be calculated by adding the separate fees for each project. For example, if a notification identifies three projects, one of which will cost less than \$5,000 to complete, one of which will cost \$7,500 to complete, and one of which will cost \$17,500 to complete, the fee for the first project would be \$200, the fee for the second project would be \$250, and the fee for the

third project would be \$500. Hence, the total fee the entity would need to submit with the notification that identifies those three projects would be \$950.

(5) An entity may not obtain a standard agreement for any project identified in the notification that qualifies for an agreement for gravel, rock, or sand extraction, an agreement for timber harvesting, an agreement for routine maintenance, a master agreement, or a master agreement for timber operations unless the department agrees otherwise.

(6) Fee submittal:

(A) If the entity requests an agreement with a term of 5 years or less, the fee specified in paragraph (1) must be submitted with the notification.

(B) If the entity requests an agreement with a term longer than 5 years, the fee specified in paragraph (2) must be submitted with the notification.

(c) Agreement for Gravel, Sand, or Rock Extraction.

(1) Fee if the term of the agreement is 5 years or less:

(A) \$500 if the annual extraction volume identified in the notification is less than 500 cubic yards.

(B) \$1,000 if the annual extraction volume identified in the notification is 500 to less than 1,000 cubic yards.

(C) \$2,500 if the annual extraction volume identified in the notification is 1,000 to less than 5,000 cubic yards.

(D) \$5,000 if the annual extraction volume identified in the notification is 5,000 or more cubic yards.

(2) Fee if the term of the agreement is longer than 5 years:

(A) \$10,000 base fee, plus an annual fee of \$1,000.

(3) Fee submittal:

(A) If the entity requests an agreement with a term of 5 years or less, the fee specified in paragraph (1) must be submitted with the notification.

(B) If the entity requests an agreement with a term longer than 5 years, the base fee specified in paragraph (2) must be submitted with the notification.

(d) Agreement for Timber Harvesting.

(1) Fee:

(A) \$1,200 base fee, plus \$100 for each project.

(2) Fee submittal:

(A) The fee specified in paragraph (1) must be submitted with the notification.

(e) Agreement for Routine Maintenance.

(1) Fee if the term of the agreement is 5 years or less:

(A) \$1,200 base fee, plus \$100 for each maintenance project completed per calendar year.

(2) Fee if the term of the agreement is longer than 5 years:

(A) \$2,400 base fee, plus \$100 for each maintenance project completed per calendar year.

(3) Fee submittal:

(A) If the entity requests an agreement with a term of 5 years or less, the base fee specified in paragraph (1) at a minimum must be submitted with the notification.

(B) If the entity requests an agreement with a term longer than 5 years, the base fee specified in paragraph (2) at a minimum must be submitted with the notification.

(f) Master Agreement.

(1) Fee:

(A) \$30,000 base fee, plus:

1. An annual fee of \$2,500, unless the department specifies otherwise.

2. \$250 for each project the agreement covers, unless the department specifies otherwise.

(2) Fee submittal:

(A) The base fee specified in paragraph (1) at a minimum must be submitted with

the notification.

(g) Master Agreement for Timber Operations.

(1) Fee:

(A) \$7,500 base fee, plus:

1. An annual fee of \$1,000, unless the department specifies otherwise.

2. \$100 for each project the agreement covers, unless the department specifies otherwise.

(2) Fee submittal:

(A) The base fee specified in paragraph (1) at a minimum must be submitted with the notification.

(h) If an entity chooses to identify more than one project in a single notification, the total fee may exceed \$5,000 regardless of the term of the agreement.

(i) Extensions for Agreements.

(1) Fee:

(A) \$200.

(2) Fee submittal:

(A) The fee specified in paragraph (1) must be submitted with the request for an extension.

(3) For the purpose of this subdivision and subdivisions (j) and (k), an extension is not an amendment.

(j) Minor Amendments.

(1) Fee:

(A) \$150.

(B) For the purpose of this subdivision, a minor amendment is one that would not significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources.

(k) Major Amendments.

(A) \$500.

(B) For the purpose of this subdivision, a major amendment is one that would significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources, or require additional environmental review pursuant to section 21000 *et seq.* of the Public Resources Code or section 15000 *et seq.* of title 14 of the California Code of Regulations.

(C) A project may not be added to an agreement by amendment unless the agreement specifies otherwise.

(l) California Environmental Quality Act ("CEQA").

(1) When the department is required to act as lead agency in administering or enforcing sections 1600–1616 of the Fish and Game Code, the department may charge and collect a reasonable fee from the entity to recover its estimated CEQA-related costs in accordance with section 21089 of the Public Resources Code. The department may recover its estimated CEQA-related costs by collecting from the entity one or more deposits. The amount of the first deposit shall be at least \$1,500. The department shall refund any unused deposit to the entity.

(m) Payment of Fees.

(1) The department may refuse to process a notification or a request for an extension or amendment until the department receives the proper fee or fees.

(n) Refunds.

(1) If an entity requests an agreement with a term longer than 5 years and the department denies the entity's request, the department will return the fees paid and instruct the entity to submit the applicable fee for an agreement with a term of 5 years or less.

(2) If after receiving a notification the department determines that notification is not required because the project is not subject to subdivision (a) of section 1602 of the Fish and Game Code, the department shall refund to the entity any fees submitted with the notification.

NOTE: Authority cited: Section 1609, Fish and Game Code. Section 21089, Public Resources Code. Reference: Section 1609, Fish and Game Code. Section 21089, Public Resources Code.